

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

No. 3:06-CR-74-BR

UNITED STATES OF AMERICA,

v.

RICKY EDWARD GRAVES
SAMUEL THOMAS CURRIN

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ORDER

This matter is before the court on several unopposed motions of defendants Graves and Currin. On 21 August 2006, Currin filed a motion to unseal the affidavit supporting a search warrant obtained from the Eastern District of North Carolina and executed at Currin's law firm in Raleigh, No. 5:05-M-1284 (EDNC). This court does not have jurisdiction to rule on this motion, see In the Matter of the Application and Affidavit for a Search Warrant, 923 F.2d 324, 328 (4th Cir. 1991) (federal district court in which an affidavit supporting a search warrant was filed, not state court where the defendant was to be tried, has jurisdiction to rule on a motion to unseal that affidavit), and it is DENIED WITHOUT PREJUDICE to Currin refileing it in the Eastern District.

Currin and Graves both filed motions for leave to file additional pretrial motions; Graves also requests the right to join in any motion filed by a co-defendant. These motions are also DENIED WITHOUT PREJUDICE. If the government provides additional discovery to defendants which, in these defendants' opinions, forms the basis for additional pretrial motions, these defendants may seek leave to file specific motions. However, the court cautions counsel that any such motion must be filed promptly after receipt of discovery. If Graves desires to join in a co-defendant's pretrial

motion, he must file notice of his intent to join in such a motion within 5 days of the date of any order allowing the filing of such motion.

This 19 September 2006.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge